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LAW DEPARTMENT

NOTIFICATION

The 19th September 2006

No. 12193—I-Legis-8/2005-L.—The following Central Ordinance promulgated by the President and published by the Government of India, Ministry of Law and Justice (Legislative Department) in the Gazette of India, Extraordinary, Part-II, Section-I, dated the 11th September, 2006 (No. 46) is hereby republished for general information.

By order of Governor
D. K. SAHU
Principal Secretary to Government

THE NATIONAL COUNCIL FOR TEACHER EDUCATION

(AMENDMENT AND VALIDATION) ORDINANCE, 2006

(No. 2 OF 2006)

Promulgated by the President in the Fifty-seventh Year of the Republic of India

An Ordinance to amend the National Council for Teacher Education Act, 1993 to provide for validation of qualifications in teacher education obtained from certain institutions and to prescribe penalty for running unrecognised institutions and for matters connected therewith or incidental thereto.

Whereas, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

Short title and commencement. **1.** (1) This Ordinance may be called the National Council for Teacher Education (Amendment and Validation) Ordinance, 2006.

(2) It shall come into force at once.

Insertion of new Section 17A. **2.** In the National Council for Teacher Education Act, 1993 73 of 1993 (hereinafter referred to as the principal Act,) after Section 17, the following Section shall be inserted, namely :—

No admission without recognition. “ 17A. No institution shall admit any student to a course or training in teacher education, unless the institution concerned has obtained recognition under Section 14 or permission under Section 15, as the case may be.”

Insertion of new Chapter IV-A. **3.** In the principal Act, after Section 18, the following Chapter shall be inserted, namely :—

CHAPTER IV-A

TEMPORARY PROVISIONS FOR RECOGNITION OF CERTAIN INSTITUTIONS

Definition. **18A.** In this Chapter, “specified date” means the date of commencement of the National Council for Teacher Education (Amendment and Validation) Ordinance, 2006.

Recognition of certain institutions. **18B.(1)** Where an institution offering a course or training in teacher education before the specified date failed to make an application under sub-section (1) of Section 14, but an examining body granted affiliation to, and held examination for a course or training in teacher education conducted by such institution, or such examination was due before the specified date, the provisions of this Chapter shall apply in respect of such institution.

(2) An institution falling under sub-section (1) may take an application to the Regional Committee concerned in such form and within such period and alongwith such fee as may be prescribed.

(3) An application under sub-section (2) shall be dealt within such manner as may be prescribed.

(4) An order granting recognition to an institution on its application under sub-section (2) shall be deemed to be effective from the date of grant of affiliation to it or holding of examination for a course or training conducted by it for the first time whichever is earlier.

Appeals of certain Institutions. **18C.(1)** Where an institution offering a course or training in teacher education before the specified date was refused recognition under clause (b) of sub-section (3) of Section 14 and it failed to prefer an appeal under sub-section (1) of

Section 18, but an examining body granted affiliation to, and held examination for a course or training conducted by such institution, or such examination was due before the specified date, such institution may prefer an appeal to the Council within a period of sixty days from the specified date.

- (2) An appeal under sub-section (1) shall be accompanied with such fee as is prescribed for an appeal under sub-section (3) of Section 18.
- (3) An appeal under sub-section (1) shall be in the same form and dealt within the same manner as an appeal preferred under sub-section (1) of Section 18.
- (4) Where the Council reverses the order appealed against under sub-section (1), an order granting recognition to an institution shall be deemed to be effective from the date of grant of affiliation to it or holding of examination for a course or training conducted by it for the first time whichever is earlier.

Validity of
affiliations and
examinations in
respect of
certain
institutions.

18D. Notwithstanding anything contained in Section 16, where an institution offering a course or training in teacher education before the specified date, obtains recognition by virtue of sub-section (4) of Section 18B or sub-section (4) of Section 18C, the affiliation granted by an examining body to, and the examination held for a course or training conducted by such institution shall be deemed to have been validly granted and held as the case may be.

Validity of
qualifications
obtained from
certain
institutions.

18E. Notwithstanding anything contained in sub-section (4) of Section 17, where an institution offering a course or training in teacher education before the specified date, obtains recognition by virtue of sub-section (4) of Section 18B or sub-section (4) of Section 18C, the qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall be deemed to have been validly obtained.

Validation

18F. Anything done or any action taken or any effect given in terms of Sections 18B, 18C, 18D and 18E shall be valid, notwithstanding any judgement, decree or order of any court, tribunal or other authority to the contrary :

Provided that where any unrecognised institution offering a course or training in teacher education before the specified date was directed by any court, tribunal or other authority to return the fees and pay compensation to students admitted by such institution, such institution shall comply with such direction :

Provided further that in respect of students whose qualifications are deemed to have been validly obtained under Section 18E, the amount of fees and compensation shall be credited to the Fund of the Council.

Duration and savings.

18G. This Chapter shall remain in force a period of six months from the specified date, but its expiry under the operation of this Section shall not affect :—

- (a) the previous operation of, or anything duly done or suffered under this Chapter, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under this Chapter, or
- (c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Chapter had not expired.

Insertion of new Section 30A.

4. In the principal Act, after Section 30, the following Section shall be inserted, namely :—

Penalty for contravention of Section 17A.

“30A. An institution which contravenes Section 17A shall be liable to pay to the Council a penalty of an amount equal to double the amount received from each student against his admission in such institution :

Provided that before imposing any penalty, the Council shall give to the institution concerned a reasonable opportunity of being heard.”.

Amendment of Section 31.

5. In the principal Act, in Section 31, in sub-section (2), after clause (g), the following clauses shall be inserted, namely :—

“(ga). the form in which and the period within which an application under sub-section (2) of Section 18B is to be made, and the fee payable on such application ;

(gb) the manner of dealing with an application under sub-section (3) of Section 18B ;”.

A. P. J. ABDULKALAM

President